

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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**BRUCE E. KATZ, M.D., P.C., D/B/A JUVA
SKIN AND LASER CENTER**, individually
and on behalf of all others similarly situated,

Plaintiff,

v.

DALE PHARMACY & SURGICAL, INC.,

Defendant.

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Case No. 20-cv-01876-WFK-SJB

NOTICE OF VOLUNTARY
DISMISSAL

Plaintiff dismisses this lawsuit against Defendant with prejudice.

Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

(a) Voluntary Dismissal.

(1) By the Plaintiff.

(A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2 and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

- (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or
- (ii) a stipulation of dismissal signed by all parties who have appeared.

(B) *Effect.* Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.

In this case, Defendant has neither answered Plaintiff's Complaint nor served a motion for summary judgment. In addition, no class has been certified in this matter so Rule 23's exceptions

do not apply. Likewise, this case does not involve any Receiver so as to implicate Rule 66.

Accordingly, Plaintiff hereby dismisses these proceedings in accordance with Rule 41(a)(1)(i).

Respectfully Submitted,

**BRUCE E. KATZ, M.D., P.C., d/b/a JUVA
SKIN AND LASER CENTER**, individually and
on behalf of class of similarly situated individuals

Dated: May 6, 2022

By: /s/ Patrick H. Peluso

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**Pro hac vice*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above titled document was served upon counsel of record by filing such papers via the Court's ECF system on May 6, 2022.

/s/ Patrick H. Peluso